

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN KARL WAITSCHIES**, on January 24, 2003
at 3 A.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Karl Waitschies, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Joe Balyeat (R)
Rep. Bob Bergren (D)
Rep. Ronald Devlin (R)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Bernie Olson (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 301, HB 245, 1/16/2003
Executive Action: HB 237, HB 30, HB 71

HEARING ON HB 301

Sponsor: REPRESENTATIVE TOM FACEY, HD 67

Opening Statement by Sponsor:

REPRESENTATIVE FACEY introduced HB 301. This bill is a request to codify the safety and interest of pedestrians and children riding their bicycles. At the present time the regulations are in policy but not in law.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 7.0}

Proponents' Testimony:

Tim Davis, Montana Smart Growth Coalition, support this bill by giving cyclist and pedestrians have equal protection on the Montana roadways and should promote additional bicycle trails.

{Tape: 1; Side: A; Approx. Time Counter: 7 - 8.7}

Linda Gryczen, Cyclist supports the safety of cyclists. It will help the economy by encouraging bicycle tours in Montana.

{Tape: 1; Side: A; Approx. Time Counter: 8.7 - 12.3}

Linda Stoll, Montana Association of Planners, supports this legislation.

{Tape: 1; Side: A; Approx. Time Counter: 12.3 - 12.8}

Eric Grove, Cycle Shop Owner, supports this bill.

{Tape: 1; Side: A; Approx. Time Counter: 12.8 - 14.5}

Opponents' Testimony:

Mike Currey, Montana Department of Transportation, opposes this legislation by reading from written testimony.

EXHIBIT(trh15a01)

{Tape: 1; Side: A; Approx. Time Counter: 14.5 - 24.8}

Jay Skoog, American Council of Engineering Company in Montana, opposes this legislation.

{Tape: 1; Side: A; Approx. Time Counter: 24.8 - 30}

Informational Testimony: None

Questions from Committee Members and Responses:

REP. BERGREN asked the sponsor to explain his proposed amendments.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.2}

Closing by Sponsor:

REP. FACEY closed with a summary of the testimony and addressed the amendments he would consider friendly. REP. FACEY handed an exhibit from Emmett Purcell.

EXHIBIT (trh15a02)

{Tape: 1; Side: B; Approx. Time Counter: 3.2 - 4.8}

HEARING ON HB 245

Sponsor: REPRESENTATIVE CHRIS HARRIS, HD 30

Opening Statement by Sponsor:

REP. HARRIS introduced HB 245 with an explanation of the intent of this bill. This bill would set up a committee to study the price variation of gasoline in Montana. The public has a right to know how gasoline prices are set and why there is very little competition in gas prices here.

{Tape: 1; Side: B; Approx. Time Counter: 4.8 - 10.2}

Proponents' Testimony:

Jack Gunderson, Chairman of the Competitive Fuel Price Committee, supports this bill. The committee would like to have diesel fuel prices included in this study.

{Tape: 1; Side: B; Approx. Time Counter: 10.2 - 13.9}

REP. DAVE WANZENRIED, HD 68 supports this legislation. He made it clear he was testifying on his own behalf not as a representative of his employer.

{Tape: 1; Side: B; Approx. Time Counter: 13.9 - 15.4}

Matthew Leo, Montana Public Interest Research Group, supports this bill.

{Tape: 1; Side: B; Approx. Time Counter: 15.4 - 17.3}

REP. BERGREN read testimony for Robin Cunningham and entered the letter as an exhibit.

EXHIBIT(trh15a03)

{Tape: 1; Side: B; Approx. Time Counter: 17.3 - 19.1}

Opponents' Testimony:

Gail Abercrombie, Executive Director, Montana Petroleum Association, opposes this bill.

{Tape: 1; Side: B; Approx. Time Counter: 19.1 - 26.3}

Rona Carpenter, Montana Petroleum Marketers and Convenience Stores, opposes this bill and referred to the fiscal note and questioned if there was money available to fund this study.

EXHIBIT(trh15a04)

{Tape: 1; Side: B; Approx. Time Counter: 26.3 - 30}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 9}

Doug Alexander, Distributing Company in Bozeman, opposes this bill.

{Tape: 2; Side: A; Approx. Time Counter: 9 - 14.8}

Don Allen, Western Environmental Trade Association and Cenex Harvest States, oppose this bill for the above reasons.

{Tape: 2; Side: A; Approx. Time Counter: 14.8 - 18.1}

Informational Testimony:

Mark Simonich, Director Department of Commerce, offered to answer any questions for the committee. He explained the fiscal note and suggested that this commission be attached Weights and Measures Bureau. This is an anti-trust issue and should be attached to the Department of Justice.

{Tape: 2; Side: A; Approx. Time Counter: 18.1 - 25.1}

Jack Kane, Montana Weights and Measures, offered to answer questions for the committee. He explained the difficulty in monitoring the program.

{Tape: 2; Side: A; Approx. Time Counter: 25.1 - 26}

Questions from Committee Members and Responses:

REPS. BALYEAT, GALLIK, OLSEN and KEANE questioned the witnesses.

{Tape: 2; Side: A; Approx. Time Counter: 26 - 30}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 22.9}

Closing by Sponsor:

REP. HARRIS closed the bill with summary of the testimony and urged a do pass.

{Tape: 2; Side: A; Approx. Time Counter: 22.9 - 26.8}

EXECUTIVE ACTION ON HB 30

Motion: REP. KEANE moved that HB 30 DO PASS.

Motion/Vote: REP. WILSON moved that HB 30 BE AMENDED. Motion failed 2-11 with BALYEAT and WILSON voting aye.

EXHIBIT(trh15a05)

Motion/Vote: REP. KEANE moved that HB 30 DO PASS. Motion carried unanimously.

{Tape: 2; Side: B; Approx. Time Counter: 26.8 - 30}

{Tape: 3; Side: A; Approx. Time Counter: 0 - 9.2}

REPRESENTATIVE GALLIK took the chair.

EXECUTIVE ACTION ON HB 71

Motion/Vote: REP. WAITSCHIES moved that HB 71 DO PASS. Motion carried unanimously.

{Tape: 3; Side: A; Approx. Time Counter: 9.2 - 11.2}

EXECUTIVE ACTION ON HB 237

Motion: REP. ROME moved that HB 237 DO PASS.

Motion/Vote: REP. ROME moved that HB 237 BE AMENDED. Motion carried 12-1 with REP. GOLIE voting no.

EXHIBIT(trh15a06)

Motion/Vote: REP. ROME moved that HB 237 DO PASS AS AMENDED. Motion carried 9-4 with REP. BALLYEAT, GOLIE, KEANE, and WILSON voting no.

{Tape: 3; Side: A; Approx. Time Counter: 11.2 - 28}

ADJOURNMENT

Adjournment: 5:45 P.M.

REP. KARL WAITSCHIES, Chairman

PATI O'REILLY, Secretary

KW/PO

EXHIBIT (trh15aad)